

November 14, 2013

The Common Council met as the Water Utility Board at 7:00 pm in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Jeffries, Fuelling, Curtis and Higgins attending. Others attending were Supt. Gray; Supt. Givens; Chief Dixon; Lt. Angel; Asst. Chief Harms; Comm. Dieterle; Park Dir. Harshbarger; Ken and Tony Juncker – ATI; Martha Caine – Smoke Free Initiative; Tammy Marshall; Sara Manifold – Mount Vernon Democrat; and arriving during the meeting Board member Hoehn and Larry Williams.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Board member Fuelling moved the reading of the minutes be waived and they be approved as presented. Seconded by Board member Higgins.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker requested action on the claims presented.

Board member Higgins moved the claims presented be allowed for payment. Seconded by Board member Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the report of the Water Chairman.

Chairman Curtis stated he believes Supt. Gray has a report this evening.

Supt. Gray stated they have been having clarifier trouble and as a result, did a complete overhaul and reassembled it.

Board member Hoehn arrived at the meeting.

Supt. Gray continued by stating as the weather is getting colder, it is leak season. Hopefully they won't have too many. He then stated they have 1986 Ford truck that is not road worthy. He would like permission to declare it junk.

Board member Curtis moved it be declared junk and sold for scrap. Seconded by Board member Jeffries.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker asked if there were any questions of the Supt. or the Water Chairman ?

There were none.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Board ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated under Legals is a water adjustment request from Tammy Marshall.

Ms. Marshall approached and stated she lives at 1207 E 3rd Street. She continued by stating someone must have decided they needed water and used their water hose and it was left on for days and days. She stated their bill is \$611.68 and it normally runs between \$75 - \$100. She added they have now put a lock on their gate so no one can get in the yard. She concluded by stating they had no way of knowing this was happening.

Supt. Gray stated this is the first he has heard of this, but yes, her bill normally runs around 4100 gallons and this bill was for 32,000.

Board member Jeffries asked how long the hose was left running ?

Ms. Marshall replied they have no way of knowing. She added they always pay their bill, and they have had to make payment arrangements before, but they can not pay this.

Supt. Gray stated the bill is for September usage.

Board member Curtis asked if the last bill was normal usage ?

Supt. Gray replied it has not been calculated yet.

Board member Curtis stated he has no objection to the adjustment, he just wants to be sure there are no other leaks.

Supt. Gray stated he can verify that in the morning.

Board member Curtis moved they approve the adjustment, pending verification that there are no other leaks. Seconded by Board member Hoehn.

Mayor Tucker asked if there was any discussion ?

There were none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Ms. Marshall thanked the Board and left the meeting.

Mayor Tucker asked if anyone in the Audience wished to address the Board ?

Board member Curtis stated work is proceeding with BLA on the possible north expansion.

Supt. Gray stated he would like permission for himself and two others to attend the IRWA Conference in Columbus, IN for training on December 8 – 10, 2013.

Board member Curtis moved permission to attend to be given as well as use of the city credit card and city vehicle. Seconded by Board member Jeffries.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker asked if there was any New Business ?

Board member Hoehn stated he would like to request that the Water Utility Board potentially let Supt. Gray handle requests like the one they had tonight with Ms. Marshall. Give him the authority for a higher limit on adjustments. He added he feels it is unnecessary and intimidating for some folks to get here and address the Board. He added he trusts Supt. Gray to handle these kinds of adjustments, up to say like \$1,000.

Board member Curtis stated he is handling the first adjustment in-house. After the first adjustment, they have to come to the Board, per ordinance.

Supt. Gray stated there is no dollar amount limit on the first adjustment. They come to the Board for the second adjustment in a calendar year.

Larry Williams arrived at the meeting.

Supt. Gray added the also need to produce receipts for the repair.

Board member Hoehn asked if that is the case even on a second adjustment ? He added he would prefer they handle this down there. Supt. Gray is making lots of money decisions every day and he is confident passing this task to him.

Supt. Gray replied that is fine with him.

Board member Curtis agreed that is fine with him as well. Supt. Gray always has the option to come back before this Board with an adjustment that he may feel is in question.

Supt. Gray reminded Board that the procedure for adjustments is set by ordinance, and it will need to be amended.

Board member Fuelling stated he has no problem with the change.

Board member Curtis asked that they have Attorney Higgins review the ordinance.

Board member Hoehn asked what dollar amount Supt. Gray would be comfortable adjusting without Board approval ?

Supt. Gray replied \$1,000 is good with him.

Board member Hoehn moved Supt. Gray talk with Attorney Higgins about changing the ordinance on adjustments, allowing him to make up to \$1,000 adjustments at the office, regardless of first or second adjustment, and that the ordinance be brought before Council. Seconded by Board member Curtis.

Mayor Tucker asked if there was any discussion ?

Board member Jeffries asked if someone has a third adjustment of say \$350; that would put them past the \$1,000 limit, then they would have to come before the Board.

Board member Hoehn agreed and added total adjustments in one year over \$1,000 would then come to the Board.

Board member Jeffries replied he understands – an aggregate.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Board voting as follows:

Jeffries – yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Board member Hoehn moved the meeting be adjourned. Seconded by Board member Jeffries.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker, Mayor

ATTEST:

Cristi L. Sitzman
Clerk-Treasurer

November 14, 2013

The Common Council met immediately following the Water Utility Board at 7:00 pm in the Meeting Room at City Hall Annex with Mayor Tucker presiding and members Jeffries, Fuelling, Hoehn, Curtis and Higgins attending. Others attending were Supt. Gray; Supt. Givens; Chief Dixon; Lt. Angel; Asst. Chief Harms; Comm. Dieterle; Park Dir. Harshbarger; Ken and Tony Juncker – ATI; Martha Caine – Smoke Free Initiative; Sara Manifold – Mount Vernon Democrat; and Larry Williams.

Mayor Tucker called the meeting to order by stating members were either mailed or hand carried copies of the minutes of their previous meeting and by asking if there were any corrections or additions. He added if not, he entertains a motion to waive their reading and to approve the minutes as presented.

Councilman Jeffries moved the reading of the minutes be waived and they be approved as presented. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously.

Mayor Tucker stated they will now hear the reports of the Standing Committees.

Street & Light Chairman Hoehn stated the bridge east of town is open, the banister is up, and it has been paved and striped. He then stated the leaves are being picked up and they are looking at 8th Street in reference to the traffic problem as well.

Comm. Dieterle stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Police & Dog Chairwoman Higgins stated she has no report.

Lt. Angel stated he has no report.

Mayor Tucker asked if there were any questions ?

There were none.

Fire Chairman Jeffries stated Asst. Chief Harms is working on a \$75,000 grant for a new Surrey Fire Trailer. It's time. If they are successful, the match for the city will be 5%, or around \$3,700.00.

Asst. Chief Harms stated the cost for a new trailer is between \$70,000-\$75,000 and they have looked at some in Indianapolis. The grant is a FEMA grant with a 5% city match. It will be awarded late Spring, early Summer, with deadline for application being December 6, 2013. He stated they have estimated that approximately 50,000 kids have gone through the trailer, as they loan it out as well to other agencies, and it helps the community.

Councilman Curtis stated he appreciates Asst. Chief Harms' initiative.

Chairman Jeffries stated they wanted to bring it before the Council as if they are successful, they will be bringing forward a request for funding the match.

Chief Dixon added he also appreciates Asst. Chief Harms taking this on, it is a lot of work.

Mayor Tucker he would also like to commend Asst. Chief Harms for going above and beyond. He then asked if there were any questions ?

There were none.

Sewer Chairman Fuelling stated the ribbon cutting went well, and lots of folks were in attendance.

Supt. Givens agreed and added it went very well and he would like to thank everyone that helped and attended.

Chairman Fuelling questioned the status of the work at Country Terrace ?

Supt. Givens replied they saved money on the Long Term Control Plan and they are using the excess money for that study/project. Bids were opened November 7 at a Special Session of the Board of Works, they are being reviewed and hopefully there will be an award by the end of the year. The work needs to be done by April 2014. He added he has received many calls from residents – good questions and concerns.

Board member Fuelling stated hopefully they can work through the manholes.

Supt. Givens agreed that it would be great if this could be a trenchless project. He then stated, in reference to the gravity flow study east of town, revised sheets have been sent out by BLA but he has yet to review them. He added he will have a new a booklet to send to everyone on that as well.

Mayor Tucker asked if there were any questions ?

There were none.

Mayor Tucker stated they have the Financial Report and any questions could be directed to Clerk-Treasurer Sitzman.

Mayor Tucker asked if the Clerk-Treasurer had any Communications for the Council ?

Clerk-Treasurer Sitzman replied not at this time.

Mayor Tucker stated they ready for the Legal portion of the Agenda. The first item being the 2nd reading of the Ordinance Updating, Restating, and Recodifying Title III – Administration, Chapter 34 – Employee Regulations, Sections 34.90 Through and Including 34.100 – controlled Substance and Alcohol Policy (New Sections 34.90 Through 34.115).

Councilman Hoehn moved the ordinance pass on second reading. Seconded by Councilman Jeffries.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries - yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Hoehn moved the rules be suspended. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries - yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Councilman Hoehn moved the ordinance pass on final reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries - yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman replied it will be numbered 13-33.

Mayor Tucker stated the next item is the first reading of the Ordinance Establishing Salaries for the Elected Officers of the City of Mount Vernon for the Year Ending December 31, 2014.

Councilman Hoehn moved the ordinance pass on first reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries - yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the next item is a temporary loan for the General and Park & Recreation Funds from EDIT.

Clerk-Treasurer Sitzman stated she has already contacted the County Auditor and an advance is not expected until mid December. She added there is a clause in the Resolution that if the loan is not needed, it will not be made.

Councilman Hoehn moved the Resolution be approved. Seconded by Councilman Curtis.

Mayor Tucker asked if there was any discussion ?

Councilman Jeffries asked Park Dir Harshbarger where the \$45,000 in the Resolution would be going ?

Dir Harshbarger replied to their main, or general fund, Park & Rec.

Councilman Hoehn asked Clerk-Treasurer Sitzman how the city funds were looking, and EDIT in particular.

Clerk-Treasurer Sitzman replied they are looking good, except General Fund of course, and EDIT still will be real good after the loan.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries - yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Clerk-Treasurer Sitzman added it will be numbered 13-34.

Mayor Tucker stated the next item is an Ordinance Amending the City of Mount Vernon, IN 2013 Salary Ordinance – Park & Recreation Department. He added this ordinance amend the directors salary, as listed.

Councilwoman Higgins moved the ordinance pass on first reading. Seconded by Councilman Fuelling.

Mayor Tucker asked if there was any discussion ?

Councilman Hoehn stated this ordinance is problematic for him. The Park Board determines salaries ?

There seems to be a jurisdictional issue here, and he feels they need to NOT take action on this. It gives him heartburn. One reason, it is retroactive, it goes back to 1/1/13. That is not a legal maneuver. All ordinances are to have a cost assessment attached, this does not. It needs to be tabled for now for clarification.

Councilman Jeffries asked for Dir Harshbarger to approach and give the Council some background on this.

Dir. Harshbarger stated he really is not sure, this happened before he arrived.

Councilman Jeffries also questioned jurisdiction, and as he believes is the case, the Park Department is partially funded by the city and another, separate board.

Councilman Hoehn stated it looks like both entities are claiming jurisdiction here.

Councilman Curtis stated he would also like some clarification.

Clerk-Treasurer Sitzman explained that per state statute, the Park Board can set the salaries for and give raises to their employees, but the issue then becomes where there is an issue such as this, the Council can not override that, which could result in a write up by State Board.

Councilman Curtis questioned it being retroactive?

Councilman Jeffries stated he can understand that, it is legal, like getting back pay in the military.

Councilman Hoehn stated they need to table this for more information.

Councilman Jeffries suggested some Park Board members, along with Dir Harshbarger, attend the next meeting.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries - no; Fuelling – no; Hoehn – no;

Curtis – no; Higgins – no.

Mayor Tucker stated the motion carried unanimously.

Councilman Jeffries moved the ordinance now be tabled until the December 12 meeting. Seconded by Councilman Hoehn.

Mayor Tucker asked if there was any discussion ?

There was none.

Mayor Tucker requested a roll call vote.

Roll was called by the Clerk-Treasurer with Council voting as follows:

Jeffries - yes; Fuelling – yes; Hoehn – yes;

Curtis – yes; Higgins – yes.

Mayor Tucker stated the motion carried unanimously.

Mayor Tucker stated the final item is a presentation from ATI on possible tax abatement, or, in the new words, tax phase-in.

Ken Juncker approached and stated the project will last from October 2013 to December 2015 and it will allow ATI to remain in Mount Vernon and expand Mount Vernon employment and tax base. This is a long term project. He continued to make his presentation via power point, and concluded by stating the trucks will be using Brown Street to get to the facility. He asked if there were any questions ?

Councilman Fuelling asked if there will be room for the trucks to turn around ?

Mr. Juncker replied they hope to extend the little street to Grant Street, as they expect growth in 2014 and 2015. He added they are a low impact business, with some machine work, but mostly assembly and shipping.

Councilman Fuelling asked if they ship out of the country as well ?

Mr. Juncker replied yes.

Councilman Curtis stated he appreciates the way ATI keeps their area, and the improvements they have already made look very nice.

Councilman Hoehn asked if the total project is \$1.3M ?

Mr. Juncker replied the building part is \$900,000 and with the equipment, it puts the total project around \$2M.

Councilman Fuelling questioned employment ?

Mr. Juncker replied there will be six technical/professional positions added and six others.

Councilman Jeffries added that is excellent.

Councilman Fuelling agreed that was great.

Mayor Tucker stated this is also located in the new TIF area.

Mr. Juncker stated they encourage their employees to live and work in Mount Vernon. He added 70% of their employees do live in Mount Vernon, again, they do encourage that.

Mayor Tucker stated since Attorney Higgins is not present tonight, he wanted ATI to make their presentation so that Council would be able to fill out their worksheets and determine the phase-in on

the building and the equipment. There will need to be a public hearing, there will be a proclamation, a confirming resolution, etc. Many more phases of this project. Council needs to decide by December 12 if this qualifies as an ERA area.

Councilman Curtis stated he has looked at the facility and maybe some of the others would like to do the same.

Mr. Juncker replied he can arrange a tour. He then stated they already are working on contracts into 2020 and 2022.

Mayor Tucker stated the only crunch time on this was for ATI to file application with the city and they did that.

Councilman Fuelling stated they are fine on time then.

Mayor Tucker replied yes and added they can schedule a walk-thru if one is needed/wanted.

Councilman Jeffries suggested Mrs. Willis coordinate a meeting time.

Mr. Juncker thanked Council for their time.

Councilman Hoehn stated based on the 2010 assessed value of Posey County, this project will be good for Posey County. It is outside the area and outside the country. This will be a valuable asset and it is good that they are hiring Posey County residents, and using local contractors. He would like for that to happen.

Mr. Juncker relied they have done that for 60 years.

Councilman Hoehn agreed.

Mayor Tucker asked if anyone in the Audience wished to address the Council ?

Martha Caine stated she is the Smoke Free Initiative.

The Junckers left the meeting.

Ms. Caine stated her organization's purpose to promote a smoke free, healthy living environment.

Councilman Jeffries invited her to the meeting tonight. She continued by stating November 21 is the Great American Smoke Out where they encourage folks to quit smoking or at the very least, quit for that day. Smoking is the single leading preventable cause of death. They suggest raising taxes on those products, banning smoking from the work place, bars, and parks. She further stated the new e-ciggs and vapor shops that are popping up everywhere are also very troubling. E-cigg vapor is very similar to second hand smoke and these devices are not approved by the FDA. She added they are also seeing dual use – folks using e-ciggs as well as smoking cigarettes. With all of the advertising they are doing, they are trying to draw in the youth and their use of these devices has doubled because of the variety of flavors that are available. She added communities need to take a look at this and act quickly – have a public forum. She then thanked Council for their time.

Councilman Fuelling stated that was some fantastic information.

Ms. Caine added the e-ciggs themselves are also very cheap.

Councilman Jeffries stated this is a concern – when smoke shops crop up, there is always a cross over with what is actually sold. It is a concern for the community.

Larry Williams approached and stated his store, McKims IGA, does sell tobacco products, but they ID everyone and they do NOT sell the vapor cigarettes. He added he supports this initiative.

Mayor Tucker asked if anyone else in the Audience wished to address the Council ?

There was no response.

Mayor Tucker stated they have the 9th Street Area Residents on under Old Business.

Councilman Curtis stated he, Councilmen Jeffries and Hoehn, and Chief Beloit had a meeting and they set up some plans on information they want gathered. He added he believes the number of calls are lower than in the past, and there are no plans to reduce patrols.

Councilman Hoehn stated they are getting assessments on the rest of town as they do not want to be in this position again in any section of town. He added they will be putting together a grid that will

overlay the city where they can plug in where the calls are coming from and hopefully catch situations like this a lot earlier and identify the areas involved. Some remedies are faster than in the past- the weather right now is slowing things down a bit which does buy them some time until around March when the weather turns again. He then stated they are also looking at land owner/tenant issues. You use more water than your neighbors, you get billed for it. You use the police officers' time, you will be up charged for that as well. He added they do not know if owners can be fine for what their tenants do, etc., but if someone is using too much of a city service, like the police service, they should be billed for that. They will be meeting again January 17, 2014 at 10:00 am here at City Hall and he then invited everyone to attend.

Mayor Tucker asked if there was any other Old Business ?

Councilwoman Higgins stated in reference to W. 8th Street, Comm. Dieterle is going to do a traffic count, and then do another one in June when the pools, ball fields, etc. are all up and going to compare the information. Seasonal vs non-seasonal.

Councilman Hoehn agreed and added after the leaves are all cleaned up, if they have a speeding problem they can address that now – it's a good idea.

Mayor Tucker asked if there was any New Business ?

There was none.

Mayor Tucker stated they will now hear the reports of the Districts.

1st District Councilman Jeffries stated he has noticed the loitering at the Imagination Station, a playground area, and along with that the use of tobacco as well. He suggested they get the Park Board and the Library Board both involved and perhaps try to make the entire block a smoke free area. There is a day care nearby, etc. and lots of tobacco usage. Perhaps if a fine was imposed because it is a tobacco free zone, that would curb some of this loitering as well. He added he may be bringing this before the Council at some point.

2nd District Councilman Fuelling stated he has no report.

3rd District Councilman Hoehn stated he has no report.

4th District Councilman Curtis stated he has no report.

Councilwoman-at-Large Higgins stated she would like to thanks Dominos for the police and fire station fundraiser/premium they had on Wednesday. She added they will doing more in the coming months. She then stated for the 2016 celebration, she has been named the Posey County Advisor for the State of Indiana. She is working on getting donations for the Christmas Tree at Riverbend Park, which will be lit my Santa and Mrs. Claus, and the Elks #277 will be donation a trophy for the best window display for downtown businesses. The residents of Mount Vernon Nursing & Rehab will be the judges.

Mayor Tucker stated the Fire Department is also selling raffle tickets for a toy box.

Chief Dixon stated it is hand made and personalized in the shape of a fire truck, by local resident Mr. Gray, who works at BWX. It will be given away on December 7, at Christmas on Main Street.

Mr. Williams stated he is also raising money for the lights for the Christmas Tree at Riverbend Park. He asked that they bring the donations to him at IGA.

Mayor Tucker stated if there was no further business, he entertains a motion to adjourn.

Councilman Hoehn moved the meeting be adjourned. Seconded by Councilman Jeffries.
Mayor Tucker stated all those in favor of the motion should signify in the affirmative; and following the vote, he reported the motion carried unanimously and adjourned the meeting.

John Tucker, Mayor

ATTEST:

Cristi L Sitzman
Clerk-Treasurer